

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERROL F. JAMES, II	:	CIVIL ACTION
	:	
v.	:	
	:	
MICHAEL J. ASTRUE, Commissioner	:	
of Social Security	:	NO. 08-3507

ORDER

AND NOW, this 1st day of July 2009, upon consideration of the plaintiff's motion for summary judgment and the defendant's response, and after careful review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, to which no objections have been filed,

IT is ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED as set forth in this Order.
2. The plaintiff's Motion for Summary Judgment is GRANTED IN PART AND DENIED IN PART.
3. The case is REMANDED in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of the Social Security Administration for consideration of the availability of jobs in sufficient number in the regional and national economy when all of the plaintiff's limitations are taken into account, including those limitations that were not part of the hypothetical posed to the vocational expert, specifically:

a. the plaintiff's moderate limitations in social functioning, including limitations on the plaintiff's ability to interact with coworkers and supervisors;

b. the plaintiff's fair ability to demonstrate reliability; and

c. the plaintiff's moderate limitations in performing activities within a schedule.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.